IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.668 OF 1998

The Commissioner of Income-tax ..Applicant.

V/s.

M/s.Garware Shipping Corpn. ..Respondent.

Mr.A.S.Rao for applicant.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 4TH APRIL, 2005.

P.C. :-

1. Heard the learned counsel for the applicant. The Tribunal has referred the question for the opinion of this Court reading as under :-

> " Whether, on the facts and in the circumstances of the case, the period of employment of any employee of the assessee on an Indian ship during the time the ship was outside the territorial waters of India could be construed as period of employment outside India within the meaning of section 40A(b)(i) of the Income-tax Act, 1961 ?

2. The aforesaid question has already been answered by the Division Bench of this Court in the case **C.I.T. V/s. Indo Oceanic Shipping Co. Ltd. [(2001) 247 I.T.R. 247 (Bom.)** against the revenue and in favour of the assessee. Accordingly, for the reasons recorded in that Judgment the above question is answered in the affirmative i.e. in favour of the assessee and against the revenue. Accordingly, reference stands disposed of with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)